

Response to March 31, 2006 Final Office Action
Serial No. 10/719,102
CVT No. 01-0163-CIP2

REMARKS

In the Office Action under reply, the pending claims 1-3 and 6-10 have been rejected under 35 U.S.C. §103(a) as obvious in view EP 956855. The Examiner has, however, indicated that the subject matter of claims 4, 5, and 11-47 would be allowable if the claims were rewritten in independent form including all of the limitations of the base claim and any intervening claims.

In the present amendment, claims 1 and 4 have been amended. Thus, claims 1-47 remain pending in the application. The Examiner's rejections and objections are addressed, in full, by the above-amendments.

THE AMENDMENTS TO THE CLAIMS

Claims 1 has been amended to specify that X is pyrazol-4-yl. Claim 4 has been amended to delete the redundant recitation regarding the X moiety. Support for the amendment is found in claim 4 as originally presented. No new matter has been added.

THE REJECTIONS OVER EP 956588:

The Examiner has rejected claims 1-3, and 6-10 as obvious over EP 956855. The Examiner specifically states that as the reference discloses methods of making compounds analogous to the compounds of the present claims wherein X is heteroaryl, i.e., thienyl or furanyl.

As independent claim 1 has been amended to limit the X substituent to pyrazol-4-yl moieties, the methods and compounds disclosed in EP 956855 neither anticipate nor obviate the presently pending claims. This fact has been directly acknowledged by the Examiner in the office action under reply.

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Reconsideration and withdrawal of the rejection is in order and is accordingly requested.

CONCLUSION

For the foregoing reasons, Applicants submit that the claims are in condition for allowance. A Notice of Allowance is requested, and a prompt mailing thereof would be much appreciated.

Should the Examiner have any questions, he is invited to contact the undersigned attorney at (650) 384-8755.

Respectfully submitted,

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